

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CIVIL ACTION NO. 3:16-CV-489-CWR-RHWR

HINDS COUNTY, ET AL.

DEFENDANTS

**URGENT AND NECESSITOUS MOTION TO CONTINUE
AND FOR PRODUCTION OF DOCUMENTS AND OTHER DISCOVERY**

Defendants, Hinds County, Hinds County Board of Supervisors, and Victor Mason, in his official capacity as Sheriff (collectively, “the County” or “Defendants”), respectfully submit this instant urgent and necessitous motion to continue the consolidated evidentiary hearing and request for production and other discovery, stating the following in support:

1. Given the current state of the record, a continuance of the consolidated evidentiary hearing is warranted and would not prejudice either the United States or Defendants. Moreover, to the extent such communications exist, Defendants should be permitted to obtain information from the Monitors¹ regarding their ex parte communications with Hinds County employees,² and the Monitors’ ex parte communications with the United States.³ Defendants should also be permitted to depose the Monitors. And the parties should be prohibited from engaging in witness preparation with the Monitors. Finally, DOJ should be required to disclose information related to their expert witnesses, including written reports, by February 7, 2022.

¹ The Monitors are Elizabeth Simpson, David M. Parrish, Jim Moeser, and Dr. Richard Dudley.

² “Hinds County” means Hinds County, Mississippi, including the Hinds County Sheriff’s Office, the Hinds County Board of Supervisors, and the “Jail” as that term is collectively defined in paragraph 4 of Settlement Agreement Between The United States of America and Hinds County, Mississippi Regarding The Hinds County Jail (ECF 8-1).

³ “Ex parte communications” means communications that did not include Defendants’ counsel.

2. In addition to the accompanying memorandum of law filed contemporaneously with this Motion, Defendants offer the following exhibits in support of this Motion:

Exhibit "A" – Jan. 19, 2022, E-mail from L. Simpson to Defendants' Counsel with Site Visit Schedule and

Exhibit "B" – Feb. 1, 2022 E-mail from L. Simpson to Counsel.

3. Defendants contacted counsel for the United States to ascertain whether they intended to oppose the relief requested in this Motion, albeit through separate e-mail communications. With respect to Defendants' request for discovery, the United States has indicated it opposes the request. With respect to Defendants' request for a continuance of the February 14, 2022 hearing, Defendants have not yet received a response from the United States as of the filing of this Motion .

4. For these reasons set out more fully in the accompanying memorandum, Defendants respectfully request that the Court continue the consolidated evidentiary hearing or, in the alternative only, bifurcate the hearing such that the show cause issue proceed on February 14 but the PLRA issue be continued to allow Defendants sufficient time to conduct the discovery requested in this Motion related to observations, impressions, and other information the monitors now have related to the current conditions and operations of the Raymond Detention Center, the Work Center, and the Henley Young Patton Detention Center.

This, the 2nd day of February, 2022.

Respectfully submitted,

PHELPS DUNBAR, LLP

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that on February 2, 2022, I had this MOTION electronically filed with the Clerk of the Court, using the CM/ECF system, which sent notification of such filing to all counsel of record in this matter.

/s/ Nicholas F. Morisani

Nicholas F. Morisani